

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KATHLEEN MCFALL,

Plaintiff,

v.

EUGENE SCALIA,

Defendant,

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ORDER

19-CV-11581 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared in person in Courtroom 520 for a discovery dispute conference on July 14, 2022. As stated on the record, the Court determined the following as to Defendant's discovery dispute outlined in his letter dated June 3, 2022 (Doc. 74): Plaintiff shall, by July 21, 2022, respond to each of the interrogatories and document requests that Defendant served on March 25, 2022.

As to Plaintiff's discovery dispute outlined in her letter dated June 3, 2022 (Doc. 75), the Court directed that: (i) the parties meet and confer by 5:00 p.m. on July 15, 2022 to determine and advise the Court on whether Defendant has already produced records sufficient for Plaintiff to determine when each of the five investigators relevant to Plaintiff's RFP 26 were on leave during the relevant time period; (ii) if Defendant has not already produced such records, he shall do so by July 22, 2022; (iii) Plaintiff shall, by August 5, 2022, notify Defendant of the dates and times that Plaintiff believes, based on the aforementioned records, each investigator was on leave; and (iv) Defendant shall, by August 19, 2022, produce responsive, non-privileged emails exchanged during the time periods identified and relevant to Plaintiff's RFP 26.

In light of the parties' statements on the record that neither intended to move for summary judgment on the Title VII issues, the Court directed that pre-trial materials be submitted pursuant to Rules 6(A) and 6(B) of the Court's Individual Practices by November 30, 2022.


The parties are directed to meet and confer by July 28, 2022 to advise the Court whether the review that Plaintiff seeks of the final decision of the Merit Systems Protection Board is an issue triable by a jury or the Court.

The Court extended the deadline for the completion of fact discovery to September 30, 2022 and extended the deadline for the completion of expert discovery to November 30, 2022. No further extensions will be granted. The case management conference previously scheduled for October 3, 2022 is canceled. A final pretrial conference is scheduled for 2:30 p.m. on December 7, 2022, in Courtroom 520 of the White Plains Courthouse. At that conference, the Court will set a schedule for trial in the first quarter of 2023.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 83.

SO ORDERED:

Dated: White Plains, New York
July 15, 2022



Philip M. Halpern
United States District Judge